

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 3, 2001

12:15 p. m.

The Council of the City of Roanoke met in regular session on Monday, December 3, 2001, at 12:15 p. m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William White, Sr., William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., C. Nelson Harris, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE-COMMITTEES-COUNCIL: A communication from Council Member C. Nelson Harris, Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss appointment of a

new Director of Finance, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

Mr. Carder moved that Council concur in the request of Council Member Harris, Chair, City Council's Personnel Committee, to convene in a Closed Meeting to discuss appointment of a new Director of Finance, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

At 12:17 p. m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a meeting of City Council, the Roanoke City School Board, and area legislators.

At 12:20 p. m., the Council meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., with Mayor Smith and School Board Chair, Sherman P. Lea presiding.

CITY COUNCIL MEMBERS PRESENT: William White, Sr., William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., C. Nelson Harris, William D. Bestpith and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

SCHOOL TRUSTEES PRESENT: Charles W. Day, Marsha W. Ellison, Gloria O. Manns, Ruth C. Willson, and Sherman P. Lea-----5.

ABSENT: Melinda J. Payne and Brian J. Wishneff-----2.

OTHERS PRESENT: John L. Edwards, State Senator; Delegate A. Victor Thomas; Delegate Clifton A. Woodrum, III; Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; Mary F. Parker, City Clerk; E. Wayne Harris, Superintendent, Roanoke City Public Schools; Cindy L. Lee, Clerk to the Roanoke City School Board; Legislative Aides Allison Baird, Clara Crouch and Brian Shepherd; and Thomas A. Dick, City of Roanoke Legislative Liaison.

On behalf of the Members of Council, the Mayor welcomed Senator Edwards, Delegate Thomas, Delegate Woodrum and their respective legislative aides to the

meeting.

Following lunch, the business session convened at 12:45 p. m.

The Mayor advised that the purpose of the meeting was to discuss the City of Roanoke and the Roanoke City Public Schools 2002 Legislative Programs.

On behalf of the School Board, Chairman Lea expressed appreciation for the opportunity to meet with the City's delegation to the General Assembly to discuss the needs of the Roanoke City Public Schools.

Thomas A. Dick, City of Roanoke Legislative Liaison, presented an overview of the City's proposed 2002 Legislative Program.

Charles W. Day, Roanoke City School Board representative to the Legislative Committee, presented highlights of the School's proposed 2002 Legislative Program.

Senator Edwards advised that 2002 will be a particularly difficult year at the General Assembly level with decreasing revenue figures. At the same time, he noted that the Commonwealth of Virginia has a new Governor and new budgetary priorities will be established. He stated that fully funding the Standards of Quality would not only help to solve the larger problems associated with education in Virginia, but also the fiscal problems experienced by many localities. He noted that the Lieutenant Governor has discussed the need to increase State funding to the statutory level of 55 per cent, the level is now approximately 43 per cent, the State has not been within the five per cent level of actually fully funding educational needs for many years, and it is a worthy goal that the State should strive to achieve. He advised that for several years, he has advocated a trust fund in which localities could pool their lottery funds to be used for infrastructure needs, with funds to be disbursed to localities based on a formula which would provide a stream of money in which to bond against. He explained that the City of Roanoke would receive approximately \$3.4 million annually, the benefit of which would be a permanent stream of revenue; and progress has been made on the initiative in the last three to four years.

He stated that Roanoke has done an excellent job in reducing the number of students per school class room size and Roanoke enjoys reputation of having an outstanding public education system. He commended the City on moving forward with the passenger rail station renovation to a visitor's center and the O. Winston Link Museum which is an initiative that will help to develop the area and move forward with the concept of the TransDominion Express. He stated that he has enjoyed working with City and School representatives on legislative issues, and expressed support of the City's legislative agenda.

Delegate Thomas also called attention to difficult financial times ahead in the 2002 Session of the General Assembly and advised that he will continue to work with Senator Edwards and Delegate Woodrum and others in order to represent the interests of localities similar to Roanoke to ensure that additional burdens are not placed on those localities. He encouraged the localities to band together to overcome funding obstacles, and pledged his support to the City and the School Board in addressing the needs of the City and its school system.

Delegate Woodrum commended City staff and School staff, as well as the City's legislative liaison, Thomas Dick, on their efforts to move the City of Roanoke forward. He advised that teacher retention and recruitment relates to paying satisfactory salaries because if educators are properly compensated, teacher retention and recruitment will not be a problem for the locality. He commended the City and the Schools on their 2002 Legislative Program and pledged his support in efforts to obtain as much funding as possible for Southwest Virginia.

Vice-Mayor Carder advised that the Commonwealth of Virginia is one of the lowest tax states in the United States, and expressed concern with regard to how the City can continue to provide services without increasing its revenue base. He asked that the General Assembly provide local governments with more flexibility with regard to raising revenues. He called attention to the South Jefferson Street Revitalization Plan which is currently in progress and advised that the City would save money if it were afforded some of the same revitalization incentives that counties and rural areas receive for the re-use of brown fields. He asked that emphasis be placed on revitalization efforts.

Mr. Bestpitch advised that a comprehensive restructuring of the total tax system and revenue sharing of the income tax with localities is needed. He called attention to the need for City Council, the School Board, constituents, and other counter parts in Virginia localities to work together with the General Assembly to review the matter and to establish a significant restructuring of the entire tax system.

Over a period of time, the City Manager advised that there has been a dramatic change in representation to the General Assembly as urban communities have become smaller and population has moved to the rural and suburban areas. Some years ago, she stated that the City of Roanoke was one of several cities that initiated what has now become known as the First Cities Coalition composed of 14 members. She explained that banding together with localities that are experiencing similar problems may provide a route to future success, because speaking as a larger group rather than a single community will generate more action. She concurred with

previous comments that restructuring of the revenue stream and service priorities is needed.

There being no further business, the Mayor declared the meeting of Roanoke City Council in recess at 1:35 p. m., to be reconvened in closed session at 1:45 p. m., in the City Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building.

At 2:00 p. m., on Monday, December 3, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William White, Sr., William H. Carder, Linda F. Wyatt, W. Alvin Hudson Jr., C. Nelson Harris, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Kevin S. Smith, Pastor, Washington Heights Grace Brethren Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-SCHOOLS: The Mayor welcomed Brian D. Doherty, Wendy's High School Heisman Winner. He advised that Mr. Doherty has achieved the distinguished honor of being one of 102 students to receive the 2001 State Wendy's High School Heisman Award and will compete in the national rounds of competition where 12 students will be chosen from six Heisman geographic regions to participate in the Wendy's High School Heisman Award ceremonies in New York City on December 7-10, 2001. The Mayor presented Mr. Doherty with a proclamation declaring Monday, December 3, 2001, as Brian Daniel Doherty - Wendy's High School Heisman Winning Day in the City of Roanoke.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

AUDIT COMMITTEE-SCHOOLS: Minutes of the Joint Audit Committee meeting of the Roanoke City Council and the Roanoke City School Board which was held on Wednesday, November 14, 2001, were before the body.

The Joint Audit Committee considered the following items:

Engagement Letter

Annual Plan for FY2002

Schedule of School Board Audit Committee Meetings for FY2002

Mr. Carder moved that the Minutes be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

TRAFFIC-HOSPITALS: A communication from the City Manager advising that Carilion Medical Center, an affiliate of Carilion Health System, plans to construct a new addition to the Medical Center, as well as construct a new 1,000 occupancy parking facility; construction will create a temporary shortage of parking spaces for staff, physicians, residents, patients and visitors at the Medical Center, with construction projects scheduled to begin in January 2002; Carilion has requested the lease of parking at Victory Stadium for employees who will be displaced by construction projects; and a minimum of 200 and a maximum of 300 parking spaces are requested for an initial period of up to two years, subject thereafter to monthly renewal by mutual agreement of the parties, was before Council.

It was further advised that the City has space available at Victory Stadium, which is located on property adjacent to the footbridge connecting Wiley Drive to the grounds of Victory Stadium; and a Lease Agreement will be prepared to be effective

January 1, 2002, containing the following provisions:

The Agreement will specify that Carilion Medical Center has exclusive right to the use of the Leased Property on business days (Monday-Friday) and during business hours (6:00 a. m. - 6:00 p. m.) for a term of up to two years; the lease may be extended on a month-to-month basis upon mutual agreement between the City and Carilion Medical Center; the Medical Center shall pay to the City \$8.00 per month per space, or a minimum of \$1,600.00 per month for 200 parking spaces; if additional spaces are required, the monthly rental rate will be increased proportionately; a minimum of \$38,400.00 in estimated revenue collected from the Lease Agreement will be deposited in Parks and Recreation Recovered Cost Account No. 001-620-7110-8005 to be utilized for improvements to Parks and Recreation programs; the Medical Center will be responsible for maintenance of the leased property including improvements to the lot; and the Medical Center will also provide security for the leased property and carry the appropriate amount of insurance during the lease period.

The City Manager recommended that Council authorize a public hearing to be held on Monday, December 17, 2001, at 7:00 p. m.

Mr. Carder moved that Council concur in the recommendation of the City Manager to advertise a public hearing as abovereferenced for Monday, December 17, 2001, at 7:00 p. m., or as soon thereafter as the matter may be heard in the City Council Chamber. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

HUMAN DEVELOPMENT-INDUSTRIES-ROANOKE ART COMMISSION-ROANOKE NEIGHBORHOOD PARTNERSHIP-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

Henry Scholz and Stark H. Jones as members of the Roanoke Neighborhood Partnership Steering Committee for terms ending November 30, 2004;

William L. Bova as a Director of the Industrial Development Authority of the City of Roanoke for a term ending October 20, 2005; and

Courtney A. Penn as a member of the Advisory Board of Human Development for a term ending November 30, 2005, and as a member of the Roanoke Arts Commission to fill the unexpired term of Sherlie Doherty, resigned, ending June 20, 2003.

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS:

BONDS/BOND ISSUES-RIVERSIDE CENTRE: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 3, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, with regard to issuance of \$12 million of Qualified Redevelopment Bonds in connection with the South Jefferson Redevelopment Area, also known as the Riverside Centre for Research and Technology, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, November 19, 2001.

A report of the Director of Finance and the City Manager advising that Council authorized the issuance of \$56,245,000.00 of General Obligation Bonds to fund various public improvement projects, including \$12,000,000.00 for the South Jefferson Redevelopment Area, also known as the Riverside Centre for Research and Technology; Council was advised on November 5, 2001, that the City's bond attorney had issued an opinion that the bonds for the South Jefferson Redevelopment Area met the Internal Revenue Services' private activity tests and must be issued as taxable bonds; the State of Virginia receives an annual allocation

of Qualified Redevelopment Bonds (QRB's) from the Federal Government that may be issued as tax exempt bonds for purposes such as the South Jefferson Redevelopment Area; application has been submitted to the State for a portion of its allocation of QRB's in order to fund the project with tax exempt bonds, thus saving up to two percentage points on the interest rate for the bonds; and if the City is not successful in receiving a portion of the State's allocation of QRB's, taxable bonds will be issued for the project, was before Council.

The Director of Finance and the City Manager recommended that Council adopt a resolution authorizing issuance of \$12,000,000.00 of Qualified Redevelopment Bonds.

Mr. White offered the following resolution:

(#35675-120301) A RESOLUTION of the City Council of the City of Roanoke, Virginia, as applicable elected representative approving, for purposes of section 147(f) of the Internal Revenue Code of 1986, the issuance of \$12,000,000.00 principal amount of General Obligation Public Improvement Bonds, the proceeds of which are to be granted by the City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting such Authority in paying a portion of the costs of a redevelopment project known as the South Jefferson Redevelopment Area Project.

(For full text of Resolution, see Resolution Book No. 65 page 306.)

Mr. White moved the adoption of Resolution No. 35675-120301. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, Resolution No. 35675-120301 was adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

PETITIONS AND COMMUNICATIONS:

ZONING-COMPLAINTS: Keith Farmer, Director, Straight Street, appeared before

Council and advised that he directs a youth outreach in downtown Roanoke known as Straight Street, located at 109 Luck Avenue, S. W.; and Fusion, a bar currently located on Franklin Road, plans to relocate its operation to a building beside the youth center. He explained that there is no restriction or code regulation that would prevent a bar from opening at that location; and while it may be too late to prevent Fusion from opening beside Straight Street, he requested that Council consider a zoning restriction that would prevent a bar or similar operation from opening beside a youth center or establishment serving children and youth in the future. He expressed concern inasmuch as Straight Street serves what could be considered high-risk youth, many of whom face problems at home with drug and alcohol abuse, or they are currently struggling with substance abuse problems personally.

The request to appear before Council was sponsored by Mayor Smith and Council Member Harris.

The City Attorney advised that the State regulates the sale of alcoholic beverages and to a large extent pre-empts local government regulation; however, he called attention to a provision in the City Code which allows localities to establish reasonable zoning regulations applicable to establishments where alcoholic beverages are served. In reviewing the Zoning Ordinance, he added that the City has no regulations specifically directed toward establishments that serve alcoholic beverages which is a topic that the City Planning Commission might want to review, either now or as a part of the comprehensive revisions to the City's Zoning Ordinance.

Without objection by Council, the Mayor advised that the remarks of Mr. Farmer would be received and filed.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

ROANOKE CIVIC CENTER-EQUIPMENT: The City Manager submitted a communication advising that at its meeting on June 4, 2001, Council authorized issuance of \$3.0 million general obligation public improvement bonds for the purpose of providing funds to defray the cost of needed public improvements to the Roanoke Civic Center; several equipment purchases are needed at the Civic Center in order to provide expected levels of service and to comply with the City's contractual

requirements for events at the Civic Center; the equipment is a part of the Civic Center Expansion and Renovation Project-Phase I and includes a portable basketball floor, two basketball goals, two time clocks, and an ice floor covering, at a total cost of approximately \$250,000.00, which will be funded through the sale of general obligation bonds; the basketball floor, goals and time clocks have been purchased, and there is currently a need to purchase the ice floor covering; bids for the purchase and installation of an ice floor covering were advertised; three bids were received, with Innovative Arena Products, Inc., submitting the lowest bid meeting specifications; in the amount of \$100,966.00, and funding is available in the "Civic Center Expansion and Renovation – Phase I" account.

The City Manager recommended that Council accept the bid of Innovative Arena Products, Inc., for the total cost of \$100,966.00 and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35676-120301) A RESOLUTION accepting the bid of Innovative Arena Products, Inc., for the purchase and installation of an ice floor covering for the Roanoke Civic Center; and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 308.)

Mr. Carder moved the adoption of Resolution No. 35676-120301. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

SIDEWALK/CURB AND GUTTER-BUDGET: The City Manager submitted a communication advising that new sidewalks, entrances and curbs, Phase VI, consists of installing approximately 25,000 square feet of sidewalk, 15,000 linear feet of curb and 10,000 square feet of entrances on various streets within the City; two bids were received by the City, with H. & S. Construction Company submitting the low bid, in the amount of \$719,775.00, and 365 consecutive calendar days for completion of the project; funding in the amount of \$791,750.00 is needed for the project, with additional funds that exceed the contract amount to be used for miscellaneous project expenses, including advertising, prints, test services, minor variations in bid quantities and unforeseen project expenses; funding in the amount of \$509,963.00 is available in Public Improvement Bonds - Series 1999, Streets and

Sidewalks, Account No. 008-052-9709-9191; and the remainder of funds, \$281,787.00, is available in Account No. 008-530-9510-9003, Curb, Gutter and Sidewalk – Phase VI.

The City Manager recommended that Council accept the bid of H. & S. Construction Company, in the amount of \$719,775.00 with 365 consecutive calendar days for completion of the project; reject all other bids received by the City; and transfer \$509,963.00 from Public Improvement Bonds - Series 1999, Account No. 008-052-9709-9191, to Account No. 008-530-9510-9001, Curb, Gutter and Sidewalk–Phase VI.

Mr. White offered the following emergency budget ordinance:

(#35677-120301) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 309.)

Mr. White moved the adoption of Ordinance No. 35677-120301. The motion was seconded by Mr. Carder.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., called attention to vehicles that are parked on curbs and sidewalks throughout the City of Roanoke. He also called attention to abuse by City employees who park City vehicles on the sidewalks and curbs which are not designed to take this type of abuse. He urged that Council and the City Manager take the appropriate action to prohibit the parking of vehicles on the City's curbs and sidewalks.

The City Manager advised that because some of the violations involve City vehicles, a policy statement was issued prohibiting the parking of City vehicles on sidewalks and curbs, the only exception being if the City Manager grants permission due to unusual circumstances. She stated that the Police Department has been instructed to cite City employees, as well as private citizens, for violations.

Ordinance No. 35677-120301 was adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. White offered the following emergency ordinance:

(#35678-120301) AN ORDINANCE accepting the bid of H. & S. Construction Company for the installation of approximately 25,000 square feet of sidewalk, 15,000 linear feet of curb and 10,000 square feet of entrances on various streets within the City in connection with the New Concrete Sidewalks, Entrances and Curb - Phase VI Project, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 310.)

Mr. White moved the adoption of Ordinance No. 35678-120301. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. White expressed concern with regard to street lights in need of replacement; whereupon, the City Manager advised that there is no formal replacement program on the part of American Electric Power. She stated that correspondence has been forwarded to the electric company strongly recommending given the number of fixtures that are currently out of service throughout the City, that there is a need to initiate a policy for regular street light replacement. She stated that the matter will also be addressed when franchise renegotiation is discussed.

STREET LIGHTS-RAILSIDE LINEAR WALK-STREETS AND ALLEYS: The City Manager submitted a communication advising that the Railside Linear Walk connects the City Market area to the Virginia Museum of Transportation along Norfolk Avenue; Phases I through IV have been completed; Phase V, which is the final phase, is the elevated walkway in front of Warehouse Row between First Street and Second Street; three bids were received with Breakell, Inc., submitting the low bid in the amount of \$645,969.00 and 180 consecutive calendar days for completion of the project; the City and Appalachian Power Company, d/b/a American Electric Power (AEP), have entered into a Street Lighting Agreement dated July 1, 1995, providing for street lights and associated electrical current; and pursuant to the Street Lighting Agreement and negotiations, AEP will provide appropriate street lights and underground electrical work for Phase V of the Railside Linear Walk Project for an

amount not to exceed \$200,000.00.

It was further advised that project cost is estimated to be:

Base Contract (Phase V)	\$645,969.00
AEP Street Lights and Underground Electrical Work	200,000.00
Testing and Miscellaneous Project Expenses	<u>70,000.00</u>
Total	<u>\$915,969.00</u>

It was explained that funding in the amount of \$511,583.00 is available in the following project accounts: Railside Linear Park – Phase IV, Account No. 008-052-9730 (\$15,700.00), Railside Linear Walk – Phase II, Account No. 008-052-9717 (\$148,907.00), and Railside Linear Walk – Phase V, Account No. 008-530-9759 (\$346,976.00); additional funding of \$300,000.00 is to be reimbursed from an ISTE A grant; the balance of funds needed for the project, \$104,386.00, is available in Account No. 008-052-9573, Greater Gainsboro Parking Garage; and additional funding in excess of the contract amount will be used for lighting and electrical costs, as well as miscellaneous project expenses, including advertising, printing, testing services, minor variations in bid quantities and unforeseen project expenses.

The City Manager recommended that Council take the following actions:

Accept the bid of Breakell, Inc., in the amount of \$645,969.00, with 180 consecutive calendar days of contract time, and reject all other bids received by the City.

Authorize execution of any necessary documents or agreements in connection with the Street Lighting Agreement dated July 1, 1995, with Appalachian Power Company, d/b/a American Electric Power (AEP), in order to provide appropriate street lights and associated electrical work for Phase V of the Railside Linear Walk Project in an amount not to exceed \$200,000.00.

Transfer \$15,700.00 from Account No. 008-052-9730, Railside Linear Park – Phase IV, \$148,907.00 from Account No. 008-052-9717, Railside Linear Walk – Phase II, and \$104,386.00 from Account No. 008-052-9573, Greater Gainsboro Parking Garage, to Account No. 008-530-9759, Railside Linear Walk – Phase V; appropriate \$300,000.00 to be reimbursed by an ISTE A grant to Account No. 008-530-9759, Railside Linear Walk – Phase V; and establish an Account Receivable of the

same.

Ms. Wyatt offered the following emergency budget ordinance:

(#35679-120301) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 311.)

Ms. Wyatt moved the adoption of Ordinance No. 35679-120301. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Ms. Wyatt offered the following emergency ordinance:

(#35680-120301) AN ORDINANCE accepting the bid of Breakell, Inc., for the construction of an elevated walkway in front of Warehouse Row between First Street and Second Street in connection with the Railside Linear Walk - Phase V Project, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 313.)

Ms. Wyatt moved the adoption of Ordinance No. 35680-120301. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Ms. Wyatt offered the following emergency ordinance:

(#35681-120301) AN ORDINANCE authorizing the City Manager to execute any necessary documents or agreements in connection with the Street Lighting Agreement between the City and Appalachian Power Company, d/b/a American Electric Power (AEP), dated July 1, 1995, in order for AEP to provide the appropriate street lights and associated electrical work for Phase V of the Railside Linear Walk

Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 314.)

Ms. Wyatt moved the adoption of Ordinance No. 35681-120301. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

TELEPHONE EQUIPMENT: The City Manager submitted a communication advising that the need for the procurement of a new telephone system was identified by the City's Department of Technology; five bids were received and evaluated; however, due to considerable technological advances, the original specifications of the bid are now considered obsolete; additionally, procurement procedures were not followed after bid opening by the City's consultant, thus, bids that were received by the City should be rejected, and a new and updated Request for Proposals should be formulated to include the necessary specifications to meet the City's current needs.

It was further advised that although the sealed bid method of procurement would normally be used, it is not practicable in this case; the City Code provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation;" however, prior approval by Council is necessary before the alternate method may be used; this method will allow for competitive negotiations with two or more providers to determine the best qualified at the most competitive price; and the experience, qualifications and references of firms that can provide the system are of equal, if not greater, importance as the cost.

The City Manager recommended that Council reject all bids received by the City and authorize the use of competitive negotiation as the method to secure vendors to provide the City's new telephone system.

Mr. Carder offered the following resolution:

(#35682-120301) A RESOLUTION rejecting all bids for the purchase of a new telephone system for the City of Roanoke and designating the procurement method known as competitive negotiation, rather than the procurement method known as

competitive sealed bidding, to be used in procuring the telephone system.

(For full text of Resolution, see Resolution Book No. 65, page 315.)

Mr. Carder moved the adoption of Resolution No. 35682-120301. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of October, 2001.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, commended the Director of Finance and the staff of the Finance Department on the level of financial reporting that is provided for the City of Roanoke which has resulted in numerous awards for financial reporting. He stated that the Finance Department works well under its current organizational structure, separate and apart from other City departments, and should continue to operate in that manner.

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted a written report transmitting the audited fiscal year 2001 Comprehensive Annual Financial Reports for the City of Roanoke and the City of Roanoke Pension Plan. He advised that the audited General Fund balance as of June 30, 2001, designated for the Capital Maintenance and Equipment Replacement Program (CMERP) is \$6,585,034.00, the same as reported on August 20, 2001; of this balance, \$814,204.00 is designated for use by the Schools; additionally, \$316,300.00 of the balance was carried forward from the fiscal year 2000 CMERP; and the audited School CMERP of \$557,872.00 is likewise unchanged.

Without objection by Council, the Mayor advised that the report would be received and filed.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

ACTS OF ACKNOWLEDGMENT-CITIZEN OF THE YEAR: Mr. Hudson offered the following resolution officially naming The Reverend Edward T. Burton as Roanoke's Citizen of the year for 2001:

(#35683-120301) A RESOLUTION naming The Reverend Edward T. Burton Citizen of the Year 2001 for the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 316.)

Mr. Hudson moved the adoption of Resolution No. 35683-120301. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY COUNCIL: Council Member Bestpitch clarified that under the newly adopted agenda format for streamlining City Council meetings, any person may address Council under the Petitions and Communications section of the agenda, provided that the request is sponsored by two Members of Council, or the City Manager, or citizens may appear under Hearing of Citizens at the end of the Council meeting.

CITY COUNCIL-UNITED WAY: Vice-Mayor Carder advised that there is a misunderstanding in the community regarding the difference between the Red Cross and the local Roanoke Valley United Way agency. He stated that problems the Red Cross has experienced in disbursing money to the victims of the September 11, 2001, tragedy has nothing to do with the local United Way agency; the local United Way

organization funds 71 agencies locally, it is an independent agency and voluntarily passes one-half of one per cent to the national United Way office. He stated that the Roanoke Valley United Way needs local support for community service agencies and encouraged citizens of the City of Roanoke to continue their level of giving.

CITY COUNCIL: Council Member Hudson advised that he was not present when Council voted to change its rules of procedure for conducting City Council meetings; however, had he been present, he would have voted against the motion. He stated that Council had a procedure in place that has worked well for many years and should not be changed.

CITY MANAGER COMMENTS:

CITY MANAGER: The City Manager encouraged citizens to contribute to local United Way agencies.

She called attention to publications that will be available in the near future for the citizens of Roanoke; i.e.: the Municipal Calendar and the Citizens' Magazine.

At this point, the Mayor announced that RVTV Channel 3 coverage of the Council meeting would conclude.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

COMPLAINTS-CITY COUNCIL: Ms. Brenda Hale, 3595 Parkwood Drive, S. W., called attention to numerous telephone calls and communications from members of the Roanoke Branch of the NAACP regarding freedom of speech at City Council meetings. She asked that the Mayor and Council Members reconsider the new policy and procedures regarding the conduct of City Council meetings, and that Council consider the right of all citizens to be heard at City Council meetings.

Mr. Bestpitch called attention to instances when citizens have used the Council forum as a means to make announcements relative to personal/private business interests in an effort to expand their customer base, and the new rules of procedure will prohibit the use of the Council meeting for that purpose.

Vice-Mayor Carder advised that the current structure provides an opportunity for citizens to have open dialogue with Council Members, off camera, which is a more comfortable arrangement for some persons. He stated that citizens are permitted to speak on any agenda item.

Ms. Wyatt advised that with television cameras turned off, some citizens feel more comfortable in expressing their views because some individuals are intimidated by the television camera, while for other persons, the television camera might have been too enticing.

Mr. E. Duane Howard, 518 Walnut Avenue, S. W., advised that it is not up to a reporter covering a City Council meeting to decide what may or may not be of interest to the citizens of Roanoke. He stated that there is confusion over the question of whether citizens may speak under the Petitions and Communications section of the agenda, or is that section reserved for presentations by organizations. He added that it is a step backward whenever a change is instituted in rules and regulations that lessen citizen involvement in the democratic process. He advised that there will always be persons who will grandstand before the television cameras, but in order to provide freedom of speech, for all citizens, Council must be willing to take the bad with the good. He stated that for those persons who cannot attend City Council meetings for whatever the reason, the television has been their only access to City Council meetings.

At 3:20 p. m., the Mayor declared the meeting in recess for two Closed Sessions.

At 3:50 p. m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member White, who left the meeting prior to the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White left the meeting prior to the Closed Session.)

OATHS OF OFFICE-COMMITTEES-ZONING: The Mayor advised that the terms of office of Kermit E. Hale and Benjamin S. Motley as members of the Board of Zoning Appeals will expire on December 31, 2001, and called attention to a vacancy on the Board of Zoning Appeals created by the resignation of J. Clayton Grogan, for a term ending December 31, 2003; whereupon, he called for nominations to fill the vacancies.

Mr. Carder placed in nomination the names of Kermit E. Hale and Benjamin F. Motley.

Mr. Bestpitch placed in nomination the name of Philip H. Lemon.

There being no further nominations, Messrs. Hale and Motley were reappointed as members of the Board of Zoning Appeals for terms ending December 31, 2004, and Mr. Lemon was appointed to fill the unexpired term of Clayton Grogan, ending December 31, 2003, by the following vote:

FOR MESSRS. HALE, MOTLEY AND LEMON: Council Members Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----6.

(Council Member White left the meeting prior to the Closed Session.)

OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT: The Mayor advised that there is a vacancy on the Advisory Board of Human Development created by the resignation of Anita J. Price, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Cheri W. Hartman.

There being no further nominations, Dr. Hartman was appointed as a member of the Advisory Board of Human Development, for a term ending November 30, 2005, by the following vote:

FOR DR. HARTMAN: Council Members Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----6.

(Council Member White left the meeting prior to the Closed Session.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that there is a vacancy on the Youth Services Citizen Board created by the resignation of Sara Lee, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Jamaal Jackson.

There being no further nominations, Mr. Jackson was appointed as a member of the Youth Services Citizen Board for a term ending May 31, 2002, by the following vote:

FOR MR. JACKSON: Council Members Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----6.

(Council Member White left the meeting prior to the Closed Session.)

At 3:55 p.m., the Mayor declared the City Council meeting in recess for a tour of the Williamson Road area.

Following the tour, the Mayor declared the meeting adjourned at 4:55 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor